



Iowa Department of Human Services

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Director

December 11, 2013

Date Complaint Received:	11/13/13
Complaint Received By:	Paula Walzer- DHS
Provider Name and Location:	Binau and Justin Matiyabo- 220 Lockview Dr., North Liberty

Complaint: On November 13, 2013 the Department of Human Services received a complaint on the Registered Category C-2 Child Development home of Binau and Justin Matiyabo. Concerns noted in the complaint alleged these providers leave children in pac'n'plays for long periods of time and have children eat in them. It was alleged children sleep on the food. It was alleged the Matiyabo's do not change diapers very frequently.

It was reported that there are additional household members living in the home that are not reported to DHS and that people are in and out of the home during the day. It is alleged the babies cry themselves to sleep and if they cry they are not held but just placed on the carpet.

Rule Basis: 441 IAC 110.5(1)- Conditions in the home are safe, sanitary and free of hazards.

441 IAC 110.5(9) -The provider meets the following requirements:

c- Gives consistent, dependable care.

441 IAC 110.5(2) c- An individual file is maintained for each staff assistant and contains:

A completed DHS Criminal History Record Check , form B, 595-1396.

A completed Request for Child Abuse Information, form 470-0643.

A physicians statement of health and immunization status at the time of employment and at least every two years thereafter

Certification of two hours of approved training related to identification and reporting of child abuse within 6 months of employment and repeated every 5 years.

441 IAC 110.5(3) Activity program.

There is an activity program and it promotes self-esteem and exploration.

a- Includes active play.

c- Includes activities for large muscle development, such as running, climbing, riding toys, etc.

d- Includes activities for small muscle development such as coloring, puzzles, fingerplays, play dough, etc.

Findings: DHS determined that Justin and Binau Matiyabo were out of compliance for the rules listed above. In addition one other requirement was determined to be out of compliance:

441 IAC 110.5(1) b- All medicines, and poisons, toxic or otherwise unsafe materials are secured from access by a child.

441 IAC 110.5(2) c- An individual file is maintained for each staff assistant and contains:

A completed DHS Criminal History Record Check , form B, 595-1396.

A completed Request for Child Abuse Information, form 470-0643.

A physicians statement of health and immunization status at the time of employment and at least every two years thereafter

Certification of two hours of approved training related to identification and reporting of child abuse within 6 months of employment and repeated every 5 years

On November 19 and 25, 2013 DHS Social Worker Dale Garlinghouse met with the Matiyabo's to discuss the complaints issues DHS had received about their child care. Mr. Garlinghouse observed 12 preschool aged children in care, two under 18 months of age. He observed 3 children sleeping in pac'n'plays including a three year old and a four year old. The children were all in the large living room area.

Binau reported she and Justin were the only household members and that nobody else lives in their home. She denied having others live in the home in the past that were not reported to DHS. The Matiyabo's denied that people come in and out of the home during child care hours.

The Matiyabo's report their adult daughter does come into the home during child care hours and assists them with the child care. They also report they have another person assist them with the child care. It was determined neither of these persons has been approved by DHS to be used as an assistant.

They stated their practice is to change diapers every two hours. They denied leaving without a diaper change for long periods of time. Mr. Garlinghouse observed Binau change diapers for four children while he was present. He observed Binau did not sanitize the plastic mat used for this after each diaper change. It was explained to Binau the need to sanitize after each change and she agreed to do this from now on.

The Matiyabo's denied leaving children in pac'n'plays for long periods of time or having them eat there. The pac'n'plays did not have any food or toys in them. They did state one child in particular does spend most of the day in a pac'n'play. They explained this child is three years old and stays awake until 2:00 a.m. or later most nights watching television. This child is extremely tired and sleeps most of the day and is difficult to wake up or keep awake. It was determined they were out of compliance for not having an activity program for this child that includes activities for large and small muscle development. They agreed to discontinue the practice of having any child over the age of two sleep in the pac'n'play.

Mr. Garlinghouse upon entering the home noted there was not a safety barrier at the bottom of the stairway to the second floor. Justin placed a safety barrier at the stairway once this was pointed out. Mr. Garlinghouse observed cleaning supplies in a cabinet under the kitchen sink that were accessible to a child due to not having a safety lock on it. They have safety gates at both entrances to the kitchen but they were not closed and locked. Justin moved the cleaning supplies to an upper shelf area that is not accessible to a child.

During the visit Mr. Garlinghouse observed Binau and Justin attend to crying children as needed. They comforted them and held them on their lap until the child stopped crying.

In summary the Matiyabo's were determined to be out of compliance on a number of requirements in the Iowa Administrative Code Chapter 441 for registered child developments homes. A number of the compliance issues were considered safety issues such as having persons not authorized by DHS providing assistance with their child care, having cleaning supplies accessible to a child and not having a safety barrier at the stairway to the second floor. The Matiyabo's immediately corrected these items when they were made aware of them including

discontinuing the use of any persons in their child care until they are approved by DHS.

Resolution: A Corrective Action Safety Plan was signed by Binau and Justin Matiyabo and they agreed to the following:

- 1) They will not use any person as an assistant or substitute until they have received written approval from DHS.
- 2) They will have the safety barrier at the stairway to the second floor and the kitchen in place at all times children under the age of three are in their care.
- 3) Both providers will be present when there are more than 8 children in their care.
- 4) They will meet with Susan Gray from Four C's agency to develop a program of scheduled daily activities that work on development of large and small muscle development.

On the November 25, 2013 visit Mr. Garlinghouse noted the safety barriers were in place for both the kitchen and the stairway. The clutter in the living room area was reduced and there was more room for children to move around. They had removed three of the pac'n'plays from this area and rearranged the other items to create more free space for activities. The three year old child was asleep but not in a pac'n'play and he was awakened while I was present.

If you have any questions regarding this matter feel free to contact me at 319/892-6803 or email address dgarlin@dhs.state.ia.us.

Sincerely,

Social Worker